

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ESTATE OF ROGER OWENSBY,	:	
JR.,	:	NO. 1:01-CV-00769
	:	
Plaintiff,	:	
	:	<b>ORDER</b>
	:	
v.	:	
	:	
	:	
CITY OF CINCINNATI, <u>et al.</u> ,	:	
	:	
Defendants.	:	

On June 3, 2004, the Court held a charging conference in the instant action (docs. 165, 167). In the interim, however, many of the Defendants in the instant action filed a notice of interlocutory appeal, indicating that they sought appellate review of this Court's determination that the individual Defendants lacked qualified immunity and allegedly "pendent" issues (docs. 169, 170). These Defendants also sought a stay of trial proceedings pending resolution of these issues (docs. 172, 176).<sup>1</sup> The Court discussed the issues presented by a potential trial of the claims unaffected by the interlocutory appeal; it also considered Plaintiff's averments that the interlocutory appeal was improper. The Court and parties also discussed the possibility of holding a summary jury trial in this case as an ongoing settlement effort.

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<sup>1</sup> The Cincinnati Defendants had previously filed a similar motion (doc. 166). However, the filing of their "amended" motion (doc. 176) effectively superseded their prior filing.

Upon consideration of all the facts and issues presented by the instant motions and those of the instant case, the Court finds that a stay of trial in the instant case is proper. Accordingly, the Motion of Golf Manor Defendants, Stephen Tilley, Robert Heiland and Chris Campbell For an Order Staying Trial Proceedings Against Them (doc. 172) is GRANTED. Cincinnati Defendants' Amended Motion to Vacate Schedule and Stay Proceeding and Request for Expedited Ruling (doc. 176) is GRANTED IN PART and DENIED IN PART, to wit: the trial schedule entered in the instant case is hereby VACATED, and the motion to stay all proceedings in the instant case is DENIED. The parties are hereby ORDERED to report to the Court their progress in reaching consensus for a summary jury trial of the instant case no later than June 11, 2004.

Dated: June 8, 2004

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge